

17W 2/64

Attorney Docket No.: 3660P024X

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: )  
)  
Scott W. Atkinson, et al. )  
)  
Application No.: 09/753,073 )  
)  
Filed: December 29, 2000 )  
)  
For: METHOD, APPARATUS, AND )  
SYSTEM FOR VARYING AN )  
AWARD VOLUME IN AN AUCTION )  
\_\_\_\_\_ )

Examiner:

Art Unit: 2164

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on December 16, 2005  
Date of Deposit

Christopher P. Marshall  
Name of Person Mailing Correspondence  
C.P. Marshall 12/16/2005  
Signature Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS,  
POWER OF ATTORNEY, AND REVOCATION OF PREVIOUS POWERS

**Please direct all future correspondence regarding the above-referenced patent application to Lester J. Vincent, Reg. No. 31,460, Blakely, Sokoloff, Taylor, & Zafman LLP, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025, and direct all telephone calls to the same at (408) 720-8300.**

Ariba, Inc.  
(Name of Assignee)  
("assignee"), a company organized under the laws of Delaware, having a place of business at 807 11th Avenue, Sunnyvale, CA 94089, USA,  
(Address)  
hereby states that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee. Upon information and belief, the following assignment documents evidence the placement of title in the assignee:

- (1) an assignment recorded at reel 011957 and frame 0322 at the U.S. Patent and Trademark Office; and

(2) an Agreement of Merger dated July 2, 2004 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on August 15, 2005.

Pursuant to 37 C.F.R. §§ 1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the practitioners associated with **Customer Number 08791** as the assignee's respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest: Ariba, Inc.

Dated: 12/15/05 By: [Signature] (Type or Print)

Name: Landon Edmond  
(Type or Print)

Title: Senior Counsel  
(Type or Print)

Address of Assignee of Interest:

807 11th Avenue

Sunnyvale, CA 94089, USA

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 16, 2005 By: [Signature]

Name: Lester J. Vincent  
(Type)

Reg. No.: 31,460

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

# Recordation Form Cover Sheet PATENTS ONLY

Attorney Docket No.: 3660P024X

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Freemarkets, Inc.**  
(a Delaware Corporation)

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

2. Name and address of receiving party(ies):

Name: Ariba, Inc.

(a Delaware Corporation)

Internal Address: \_\_\_\_\_

3. Nature of Conveyance

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other:

Street Address: 807 11th Avenue,

Building 3, 2<sup>nd</sup> Floor

City: Sunnyvale State/Province: California Zip: 94089

Country: U.S.A.

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date(s): 07.02.2004

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s): **09/753,073**

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**Lester J. Vincent, Reg. No. 31,460**

Name: **Blakely, Sokoloff, Taylor & Zafman LLP**

Internal Address: \_\_\_\_\_

Street Address: **12400 Wilshire Boulevard, 7<sup>th</sup> Floor**

**Los Angeles, California 90025**

6. Total number of applications and patents involved: 1

7. Total Fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number:

02-2666

(Attach duplicate copy of this page if paying by deposit account)

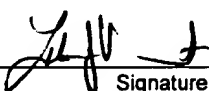
DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Lester J. Vincent, Reg. No. 31,460

Name of Person Signing

 Signature

August 15, 2005  
Date

Total number of pages including cover sheet, attachments, and documents: 5

Mail documents to be recorded with required cover sheet information to:

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# Delaware

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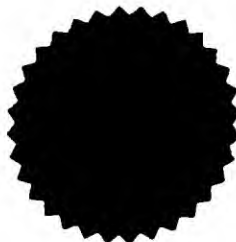
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"FREEMARKETS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "ARIBA, INC." UNDER THE NAME OF "ARIBA, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY OF JULY, A.D. 2004, AT 5:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.



2663662 8100M

040492667

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3213201

DATE: 07-02-04

**CERTIFICATE OF MERGER**

**OF**

**FREEMARKETS, INC.**

**WITH AND INTO**

**ARIBA, INC.**

**PURSUANT TO SECTION 251(c) OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Ariba, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware ("Ariba"), does hereby certify:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

<b>Name</b>	<b>State of Incorporation</b>
Ariba, Inc.	Delaware
FreeMarkets, Inc.	Delaware

**SECOND:** That the Agreement and Plan of Merger and Reorganization (the "Merger Agreement") dated as of January 23, 2004, by and among Ariba, Fleet Merger Corporation, a Delaware corporation and wholly owned subsidiary of Ariba ("Merger Sub") and FreeMarkets, Inc., a Delaware corporation ("FreeMarkets"), setting forth the terms and conditions for the merger of FreeMarkets with and into Ariba (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving Delaware corporation (the "Surviving Corporation") of the Merger shall be Ariba, Inc.

**FOURTH:** That the Certificate of Incorporation of Ariba as in effect immediately prior to the Merger shall be the Certificate of Incorporation of the Surviving Corporation

**FIFTH:** That the executed Merger Agreement is on file at the principal place of business of the Surviving Corporation located at 807 11<sup>th</sup> Avenue, Sunnyvale, California 94089.

**SIXTH:** That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation

SEVENTH: That the Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

*[Remainder of page intentionally left blank]*

**IN WITNESS WHEREOF**, Ariba, Inc. has caused this Certificate of Merger to be executed in its corporate name on the 2<sup>nd</sup> day of July, 2004.

**ARIBA, INC.**

**By: /s/ James W. Frankola**  
**James W. Frankola**  
**Executive Vice President and Chief**  
**Financial Officer**